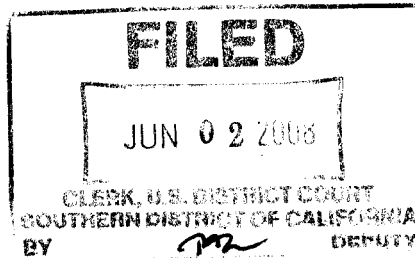


9052



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

v.

Noe HERNANDEZ-Rivera,

Defendant.

Magistrate Case No.: **'08 MJ 8487**

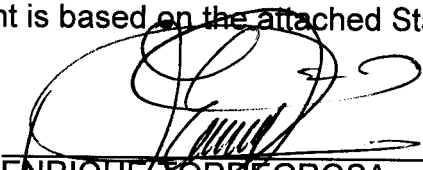
COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)


The undersigned complainant being duly sworn states:

That on or about May 30, 2008, within the Southern District of California, defendant
Noe HERNANDEZ-Rivera did knowingly and intentionally import approximately 22.24
kilograms (~~48~~ ^{48.24} 24 pounds) of marijuana, a Schedule I Controlled Substance, into the United
States from a place outside thereof, in violation of Title 21, United States Code, Sections
952 and 960.

The complainant states that this complaint is based on the attached Statement of
Facts incorporated herein by reference.


ENRIQUE TORREGROSA
Special Agent
U. S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2ND
DAY OF JUNE 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Enrique Torregrosa, declare under penalty of perjury, the following is true and correct:

On May 30, 2008, at approximately 0900 hrs Noe HERNANDEZ-Rivera entered the U. S. through the Calexico, CA West Port of Entry. HERNANDEZ was the driver and registered owner of a 1997 Chevrolet Astro Van.

In a primary, Customs and Border Protection (CBP) Officer M. Hernandez received a negative Customs declaration from HERNANDEZ. CBP Canine Officer Barela screened the vehicle utilizing his Human/Narcotic Detector Dog (HNDD). The HNDD alerted to the gas tank of the vehicle. HERNANDEZ and the vehicle were referred to the secondary inspection area.

In secondary lot, HERNANDEZ stated he had the vehicle for about nine months and that he was going to Wal-Mart to buy pampers.

A further inspection of the vehicle utilizing the X-ray revealed anomalies in the gas tank. Officers N. Ayala and M. Hernandez inspected the gas tank of the vehicle and discovered a non factory plastic cover along one side of the gas tank. A total of 19 packages were removed from the gas tank. Officer Ayala probed one of the packages and obtained a green leafy substance, which field tested positive for marijuana. A net weight of 22.24 kilograms (48.92 pounds) of marijuana was found.

Agent Torregrosa advised HERNANDEZ of his rights per Miranda. HERNANDEZ stated he understood his rights and was willing to answer questions without an attorney present. HERNANDEZ admitted knowledge of the marijuana concealed in the vehicle. HERNANDEZ stated he was going to be paid \$300.00 to take the marijuana to Wal-Mart in Calexico.

HERNANDEZ was processed and transported to Imperial County Jail to await his Initial Appearance before a U.S. Magistrate Judge.

Executed on May 30, 2008, @ 1615 hours.



Enrique Torregrosa, Special Agent
U. S. Immigration & Customs Enforcement

On the basis of the facts presented in this probable cause statement consisting of 2 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on 05/30/08 in violation of 21 U.S.C. §§ 962 & 960.

LEO S. PAPAS
United States Magistrate Judge

Date/Time 5/31/08 - 1105 Am